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SPEECH

OF

HON. ELISHA R. POTTER,

OF SOUTH KINGSTOWN,

UPON THE

Resolution in Support of the Union,

WITH AN ADDITIONAL NOTE.

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SPEECH

OF

HON. ELISHA R. POTTER,

OF SOUTH KINGSTOWN,

IN THE SENATE OF RHODE ISLAND, DURING THE SPECIAL SESSION, AUGUST 10, 1861.

Mr. POTTER, of South Kingstown, offered the following resolutions:

Resolved, That in the present crisis of our public affairs, there ought to be a full and sincere union of all political parties in support of the constitutionally elected government of the United States, and that this General Assembly pledges to the President of the United States the best exertions of the government and people of Rhode Island, and its entire resources, for the preservation of the Union.

Resolved, That His Excellency the Governor be requested to cause a copy of this resolution to be transmitted to the President of the United States.

Mr. POTTER said:—

Before taking the question on the resolutions I have introduced, I wish to offer a few remarks.

The resolutions are intended to encourage and bring about a union of all parties for the sake of the Union. Since the affair of Fort Sumter, there has been a general disposition manifested in this State to support the national administration. The Democrats were generally disposed to support the President in his efforts to preserve the Union, if they could be allowed to do so, but unfortunately there was with a few persons a disposition to denounce every one as a secessionist who did not agree with them in full, and more especially if they had an old grudge against him.

When I heard the address of Governor Sprague, at the opening of the session, in which he spoke of the power and resources of the South, I could not help thinking that if that address had been made three weeks ago, the Governor himself would have been denounced as a secessionist, notwithstanding all he had done and risked in defence of the Union. When General Scott and the Cabinet are accused of treason, who can expect to escape?

A few weeks ago the people seemed determined not to hear the truth. It would not do for any one to say a word about the extent or productions of the slave States; and to express the opinion that they could not be starved out, or that they would not all run away as soon as we marched against them, was rank treason in the eyes of some.

But the late battle has changed all that. The effect of the battle at the South would be to unite and encourage them, and so far was bad for us; but the effect at the North would be good. It would put a stop to all the bragging and blustering and parade soldiering which had been going on so long, and it would lead people to look upon it as a serious matter, as it was.

I thought a great many times that if an intelligent foreigner had been amongst us, who had seen military service and battles abroad, he would have been perfectly disgusted with the manner in which our people and newspapers spoke of the war, how we boasted of our *grand* army, and how we magnified every skirmish into a great victory, where the Southerners always ran, almost before they were attacked.

And this defeat had rendered a union of parties more necessary and easier to be brought about. As the war advanced and we felt its pressure, we should be more disposed to give up all our own little bickerings and contentions, and to sacrifice personal feeling to the good of the country.

And it has rendered us more willing to listen to the truth about our enemies. We had been trying to conceal the truth from ourselves, and this miserable policy of self-deception had cost us the loss of the battle of Manassas, the loss of many valuable lives, and had probably added years to the contest. We should learn hereafter not to underrate our enemies.

This would be one good effect of the defeat, that the people would now be willing to hear the truth; and with this view I propose to give some statistics of the productions of the South, a subject on which our people appeared to be entirely ignorant. The general idea was that all the South raised was cotton, rice, and a very little grain; and that nearly all the corn and wheat

was raised in the great West. The census tells a different story. We should be surprised to find that these Southern States raised one half of all the corn raised in the whole Union, and a good proportion of other grains.

In order to make the statement fair, I class the eight Southern, or cotton States together, and put the four Northern States, Virginia, Kentucky, North Carolina and Tennessee, together, and leave out of the account, Missouri, Maryland and Delaware, although there is a great deal of sympathy for the slave cause in those States.

	8 Southern States—S. Car., Geo., Flor., Al., Miss., Louisiana, Arkan., Texas.	Va., Kenn., N. Car., Tenn.	Whole U. States.
Neat Cattle, number,	5,393,000	2,864,000	18,378,000
Sheep, "	1,844,000	3,818,000	21,723,000
Swine, "	9,053,000	9,836,000	30,374,000
Wheat, bushels,	2,826,000	17,103,000	100,485,000
Rye, "	134,000	1,191,000	14,188,000
Oats, "	11,620,000	30,135,000	146,584,000
Corn, "	124,734,000	174,142,000	592,071,000
Potatoes, "	27,106,000	15,181,000	104,066,000
Barley, "	22,000	124,000	5,167,000
Peas and Beans, "	4,892,000	2,576,000	9,219,000
Butter and Cheese, pounds,	21,478,000	31,245,000	418,881,000
Rice, "	209,562,000	5,745,000	215,313,000

Thus these States raise all the great crop of rice, one-fifth of all the wheat, one-half of all the corn, and a respectable proportion of other crops. And there is a large field crop of peas and beans, a crop hardly known here. And the number of cattle, sheep, &c., is large. Two-thirds of all the hogs are in these twelve Southern States and nearly half the neat cattle.

These facts are from the census of 1850, as the agricultural statistics of 1860 are not yet published. And since 1850, Texas has increased in population and wealth, and the crop of corn, this year, in Texas alone, is said to be enough to sustain the whole South.

I am very glad to see in the New York *World*, (the administration organ,) of yesterday, a few of these facts stated under the very significant caption of "starvation a fallacy." I will give my views presently of the mode of prosecuting the war.

We used to suppose that the Germans in Texas would be anti-slavery, and would make a free State there. But it is said they have begun to buy slaves, and having gone to Rome, are doing as Romans do.

But there is another thing we ought to consider, as it was always poor policy to underrate our enemies. By the census of 1860, the whole population of these twelve States is over 10,000-

000, of whom six and a half millions are whites. Let us see the number of whites of military age (between 18 and 45) in those States.

The 8 Southern States have - - - -	506,000
The 4 Northern States have - - - - -	706,000
The whole United States have - - .	5,433,000

So that we see the cotton States alone can send a large army into the field and still leave a large force at home.*

In these calculations I have omitted Missouri and Maryland, and given the statistics of Kentucky, Virginia, North Carolina, and Tennessee, because, although there is a strong Union party in these four States, yet the sympathies of a large portion of the people are with the South, and whatever may happen they are not going to see their Southren brethren starve. So also with Maryland and Missouri. The Union men there would like to have their Southern brethren come back into the Union; but they would not like to see them suffering.

The South, too, are fighting with the same advantage against us that our forefathers had in our revolution against the English. They are at home, where they know every road, brook, hill and woodpath, and are accustomed to the climate, and among friends. We are fighting among strangers, where a soldier cannot leave his camp without danger, and with no one to rely on for aid or information.

But it may be said, these figures are all true, but why publish them to discourage us? We charge the Southern leaders with keeping the people in ignorance, and yet we are doing the same here. I am not afraid to trust the people with the facts. The knowledge of the truth would lead to a better conduct of the war. If the Republicans expected to carry on the war as Republicans, it would be a miserable failure. We need the union of the whole North, and we ought to be willing to sacrifice all personal and political feelings to bring it about. And Republicans being in a majority at the North, ought to be willing to sacrifice the most. Suppose once in awhile a Democrat from old habit can't keep from damning the abolitionists? They don't mind it. They are used to it. Let him alone, and by-and-by misery and suffering will bring us all together.

The "on to Richmond party" if not dead, is at least suspended. But there is another faction, equally if not more dangerous, and that is the "on to England" party.

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* The whole population of the fifteen slave States is over twelve millions.

There was one newspaper professing to support the Administration, which was now doing more mischief to the Union cause than all the secession newspapers North and South put together. I do not mean the *Tribune*, but the New York *Herald*. If it was in the pay of the secessionists, it could not do more mischief. It has been for weeks abusing England, and threatening to conquer Canada. And we are now getting from the English and Canadian papers, the returns in kind for this abuse. It was alienating them from us when we needed their sympathies. It was trying to get us into two wars, when we could hardly carry on one.

Unfortunately the *Herald* was almost the only American newspaper seen abroad. It was conducted with superior ability, and very few knew the magnitude of the mischief done by it in this war.

Very probably there may be in England a few who are jealous of the power of our Union, and would not be sorry to see it broken up: but generally the sympathies of the English were in our favor, until our papers began to abuse them.

Neither England nor France have done anything but what they are justified in doing, not only by the law of nations, but by American precedents. Our own precedents are strongest against us.

England had a right under the laws of nations to admit Southern prizes into her ports, but she has refused to do it. All she was bound to do in case of a civil war was to treat both parties alike, and if she admitted the prizes of one party to admit those of the other.

When the Spanish provinces revolted from Spain and declared their independence, we almost immediately admitted their flags and prizes into our ports, years before we acknowledged their independence. And our courts acknowledged the state of neutrality, and the lawfulness of the prize, in numerous cases. Texas declared herself independent of Mexico in March, 1836, and within six months after, her flag appeared in New York city: and when the Mexican Minister remonstrated, our government answered that in the previous civil wars between Spain and her colonies, "it had never been held necessary as a preliminary to the extension of the rights of hospitality to either [party] that the chances of war should be balanced, and the probability of eventual success determined. For this purpose it had been deemed sufficient that the party had actually declared its independence, and at the time was actually maintaining it."

And this rule has been recognized by Adams, Clay and Webster, in the discussions growing out of the case of the Spanish Colonies.

A great deal of confusion has arisen from confounding what England has done, viz., recognizing them as belligerents, (i. e., declaring neutrality and treating both parties alike,) with recognizing independence, which is a very different thing. Even if England had done the latter, according to the authority of Adams, Webster and Clay, it would be no just cause of war on our part. But she has not done it.

But there is yet a stronger precedent against us and in favor of England than any I have mentioned. It was our case with Denmark. In 1779 Commodore Paul Jones took some British prizes, and they were carried into a Danish port. Denmark delivered them up to the English, on the ground that they (Denmark) had not recognized our independence. Our government took the ground that in *civil* war, as well as in case of war between nations of acknowledged independence, and even before the independence of the revolutionary government was acknowledged by the old government, or by any government, each party has a right to carry its prizes into the ports of any other nation, unless that nation is bound by treaty not to admit them, or has given previous notice that they will not admit them.

This was the ground taken by Dr. Franklin; it was taken and most ably maintained by Henry Wheaton: it was sustained by John Quincy Adams in a report, when Secretary of State, and only a few years ago by Mr. Cameron, now Secretary of War, in a report made to the Senate.

Wheaton took the ground that in 1779 the United States were *de facto* sovereign, engaged in war, and carrying it on in the usual manner, exchanging prisoners and recognizing the usual laws of war.

It has been said that England is not treating us as well as we treated her in her Irish and Canadian rebellions. There is no similarity in the cases. The Irish never set up a government at all; and though McKenzie, in Canada, undertook to set up a provisional government, it never had any strength. And it cannot be denied that notwithstanding Van Buren's proclamations of neutrality, a large portion of our people did encourage these rebellions by their sympathies.

And it is only by England recognizing the South as belligerents, and maintaining a neutrality between us, that our government is released from being responsible for Southern injuries to

British citizens and commerce. When Spain remonstrated against England's treating the Spanish colonies as independent governments, Mr. Canning, one of the greatest of English statesmen, replied that they must either hold Spain responsible for the acts of the colonies, or they must treat them as independent and responsible for their own acts.

Our Administration seemed to have hesitated whether to treat this as an ordinary insurrection or a civil war; and they have thus involved themselves in some real or apparent inconsistency.

If it is a mere insurrection, then the President has no right to take any measures to put it down except those pointed out by the laws. He might draft militia, but he had no right to call for volunteers, or to do many things he has done.

On the other hand, if it is a *civil war*, then it is a case not provided for by the Constitution or laws; and the President is justified in resorting to all means required by the necessity, and public sentiment will justify him in doing it.

And I am glad to find that the leading administration paper before referred to, admits that it is a *war*, and not a very small one either. And if it is a war, it is to be carried on by us as civilized people, and not as savages. We are to recognize the usages of war, and even if there are cases of inhumanity on the other side, that will be no justification for us. We have always claimed that the North had nearly all the religion in the United States. This will put it to the test.

And our government has in fact recognized this as a *state of war* by declaring a *blockade*. A nation never blockades its own ports. It would be a mere abuse of language to call it so. Our government took this very ground in the case of our claims on the Two Sicilies, that a nation could *not blockade* its own ports. We, therefore, by blockading them, do in fact acknowledge them to be under another government, and not under ours.

While England acknowledges our right to blockade the Southern ports, she denies that we can collect duties there by a mere act of Congress. An act of Congress closing the ports, or authorizing a ship of war to collect duties there, is valid so far as our own citizens are concerned, but foreign nations are not bound to respect it. In the theory of government, protection and taxation go together. We have no right to compel an English vessel to pay duties there, if we have not the power to permit them to land and sell their goods. For all practical purposes these ports are out of our jurisdiction; and here, too, our precedents are against us.

Grenada has lately attempted to close some rebellious ports by a mere decree. England admits the right to blockade them, but denies her right to close by a mere paper decree a port not in her actual possession.

If it is not *a war*, then we have no right to search ships for contraband, a right which belongs only to a state of war. And Lord Derby's argument is unanswerable, that if we claim the rights of war for ourselves, we must allow them to the other party.

And it is probable that by virtue of old treaties, the South have now a right to carry their prizes into the ports of Prussia, Netherlands and Sweden.

And if we recognize a state of war, to be carried on as civilized war, on land, why not on the sea also? It is idle to talk about hanging rebels and pirates. No one but a simpleton expects it. If we hang their soldiers or privateersmen, they have but to do as our forefathers did to the officers of George III., threaten to retaliate by hanging ours. The threat was effectual then. I hope we are not less civilized now.

I am sorry to hear the report that the administration have sent out their adhesion to the treaty of Paris of 1856, which abolished privateering. It will be said that we do in our weakness what we would not do in our strength. And besides, by the law of nations, our adhesion would not bind the South so long as they are maintaining an independent government.

These facts and arguments are not very pleasant to consider, but the use I would make of them is this—that we should prepare for a long war and begin to economize; that we should leave off all silly talk about our own prowess, Southerners being cowards, hanging Jeff. Davis, starving the South, conquering Canada, whipping England and France, and all the world besides, and come down to look at the case in naked truth and sad reality. Our people talk about a union of parties, but it is only in words; they do not yet realize the necessity of it. When we fully understand it, we shall see the necessity of union, and that it requires nothing less than our united strength to cope with the enemy.

It is a waste of words to argue for or against the right to secede. But we cannot deny the right of revolution, and it is of no use quarrelling about who is to blame in this contest. Before the war was begun, I believe the blame was pretty equally divided. The leaders of the South could not have carried the masses with them, if it had not been for the invasion of John Brown

and its justification by a portion of the North. And the North would not have been aroused as it is, if it had not been for the brutal attack on Charles Sumner, and its justification by a portion of the South. If the South sent to Congress the gentlemen they used to send, they would still have influence there.

I can well recollect when, about 1835 or 1836, a Southern Governor, in a message, first proclaimed that taunt, since so often repeated, and of which so much political use has been made, that the laboring people of the North were slaves in fact, if not in name. But for taunts like these, abolitionists could have done but little. For abolition itself, or for the colored race, the Northern people generally have cared but little. It is the insolence of Southern politicians which has aroused them.

It is evident that the war has got to be a long and expensive one, or a short and bloody one.

As long as the war was confined to the cotton States, I thought, with a great many people at the North, that the best way to get them back was to tell them to quit if they wanted to; and they would soon find self-government a pretty expensive thing. But the case is now entirely changed. It will not do for us to separate from the Northern slave States. It would cut us—not in two—but into three nations. The East and the West would have a mere strip of territory to unite them, and they could not hold together. The commercial interests of the West are entirely opposed to those of the East—and how long would it before the West would join the South and reconstruct a powerful Union, leaving New England out?

The plan of military operations to reduce the South and preserve the Union, which seemed to promise to effect it with the least bloodshed, was the plan generally understood to be favored by General Scott and the President; to blockade their ports, shut them in and destroy their trade, threaten attacks at various points, and so compel them to keep up a large army, and take away their people from their ordinary agricultural pursuits. If this plan had been pursued for a year, unless human nature at the South is different from what it is here—where we quarrel all the time—they would have quarrelled among themselves before long. As soon as elections came on, different parties and candidates would arise. Causes of dissension would multiply, and there would in time be a party, which, though it might not dare to assume the name of a Union party at first, would soon become one.

Notwithstanding the disastrous result of the late battle, the government will probably endeavor to pursue the same policy.

But I have said the war may assume another aspect, and be a short and bloody one. And to such a war, *an anti-slavery war*, it seems to me we are *inevitably* drifting. It seems to me hardly in the power of human wisdom to prevent it. We may commence the war without meaning to interfere with slavery; but let us have one or two battles, and get our blood excited, and we shall not only not restore any more slaves, but shall proclaim freedom wherever we go. And it seems almost judicial blindness on the part of the South that they do not see that this must be the inevitable result, if the contest is prolonged.

We know well the power of a ruling race over an abject and submissive people. A few men accustomed to arms and to rule, can keep in subjection thousands of a race unused to arms and accustomed to submission. We see it in the case of India. A few British soldiers there keep in subjection a hundred millions even of civilized Hindoos. But the slaves have hitherto remained peaceably in slavery, because they had nowhere to flee. Once sure of an asylum and safety, fire and poison and the bludgeon will desolate the South. Without justifiable cause and without having suffered any actual injury, they have begun the conflict; there will yet be time for reflection, but if warned of their danger, they persist in their folly, upon their own heads must be the consequences. Compromise is for the present out of the question. Since the last battle, the South will not, and the North cannot with self-respect, offer terms of peaceable re-union.

After remarks by Mr. Cooke, of Warren, the resolutions were unanimously adopted by the Senate, and on the same day were unanimously concurred in by the House of Representatives.

NOTE ON THE BLOCKADE AND CLOSING THE PORTS.

Our government, either from being new in office, or from multiplicity of business, or from some other cause, have been constantly, since the commencement of the war, violating the principles we have ourselves laid down in similar cases heretofore. The President declares a blockade, which is an incident of the war-making power. By so doing he admits that it is a civil war, and not merely a trifling insurrection. But now it is argued that the President can close the ports under the recent statute (although these ports are not *de facto* under our jurisdiction) and that the blockade is merely a *coast guard* to enforce the law.

When the Spanish American Provinces revolted from Spain, and declared their independence, Spain undertook to pursue the very course our government is now pursuing; and the Dutch, English and the United States protested against it.

The Spanish General Morales, by decree of September 15th, 1822, proclaimed a blockade of twelve hundred miles of the coast of the Spanish Main, in South America, and prohibited all foreign commerce with the revolted Provinces as being contrary to the laws of Spain. At this time the Spaniards had but three vessels of war to blockade twelve hundred miles.

This decree led to very serious disputes between the United States and Spain. England went so far as to order reprisals on Spanish commerce.

John Quincy Adams, the Secretary of State, in his letter of April 28, 1823, to Mr. Nelson, our Minister in Spain, thus denounces these proceedings: And if he had foreseen the case of our blockade he could not have described it much better:

"To this outrage on all the rights of neutrality [the inefficient paper blockade] they have added the absurd pretension of interdicting the peaceful commerce of other nations with all the ports of the Spanish Main, upon the pretence that it had been heretofore forbidden by the Spanish Colonial laws.

"The blockade was a public wrong. The interdiction of all trade was an outrage upon the rights of all neutral nations; and the resort to two expedients bears on its face the demonstration, that they who assumed them both, had no reliance on the justice of either; for if the interdiction of all neutral trade was lawful, there was neither use nor necessity for the blockade; and if the blockade was lawful, there could be as little occasion or pretence for the interdiction of the trade. * * * * * The blockade and interdiction of trade have, from the first notice of them, not only been denounced and protested against by the government and officers of the United States, but by those of Great Britain, even when the ally of Spain, and who has not yet acknowledged the independence of the revolted colonies.

"Mr. Andagna attempts, by laborious argument, to maintain to the fullest and most unqualified extent, the right of the Spanish privateers to capture, and of the Spanish prize Courts to condemn, all vessels of every other nation trading with any of the ports of the Independent Patriots of South America, because under the old colonial laws of Spain that trade had been prohibited; and with the consistency of candor, at least, he explicitly says that the decrees issued by the Spanish commanders on the

Main under the name of blockades, were not properly so called, but were mere enforcements of the antediluvian colonial exclusion. * * * * * Is it surprising that the final answer of Great Britain to this pretension, was an order of reprisals?"

After stating that Spain had appropriated forty millions of reals to pay the damages to British commerce and had revoked the blockade, Mr. Adams goes on:

"It is in vain for Spain to pretend that during the existence of a civil war, in which by the universal law of nations, *both* parties have *equal rights* with reference to foreign nations, she can enforce against all neutrals, by the seizure and condemnation of their property, the law of colonial monopoly and prohibition by which they had been excluded from commercial intercourse with the Colonies before the existence of the war, and when her possession and authority were alike undisputed."

In this same letter to Nelson, Mr. Adams stigmatises the decree of Morales as an *abominable* decree, and in another part of the letter as an *atrocious* decree.

Upon the same subject the Committee of Foreign Relations of the United States House of Representatives made a report January 31, 1835, in which they call this right claimed by Morales to forbid all commerce with the revolted provinces as being against the laws of Spain, "an absurd pretension."

The doctrine we maintained in the case of the division of the Spanish Empire, we must now have applied to ourselves. And the *Diario Espanol*, a Madrid paper, is now twitting us with our situation, and saying that they must be governed in our case by the precedents England and the United States have set. The United States are taking their turn. How long before Spain may have the same opportunity to reciprocate with England?

In regard to the *notice* and efficiency of blockades, the United States have always maintained very strong ground.

In 1804 the English naval commander declared a general blockade "of the islands of Martinique and Guadaloupe." The United States remonstrated against this, and the British government instructed their naval officers "not to consider any blockade of those islands as existing unless in respect of particular ports which may be actually invested; and then not to capture vessels bound to such ports, unless they shall have previously been warned not to enter them."

In 1816 Spain declared a blockade of "the ports of the viceroyalty of Santa Fe." The United States Minister at Madrid was instructed to protest against the general terms of the notice,

and we claimed that to be valid, the notice "must be confined to particular ports, each port havin a force stationed before it sufficient to intercept the entry of vessels," and that even then, no vessel should be seized until first warned off.

Mr. Clay, Secretary of State, in his instructions to Mr. Tudor, Minister at Brazil, in October, 1827, says:

"According to those principles [invariably contended for by the United States] no place can be considered lawfully besieged or blockaded, which is not invested by a competent belligerent force, capable of preventing the entry of a neutral; and such neutral cannot be lawfully captured without having been notified of the existence of the blockade, and if he attempt to enter the blockaded port, being warned off."

The sooner our government conclude to call this a *war*, and not a paltry rebellion, and to call the blockade a blockade and make it efficient, the better. Their present course has an appearance of wavering and inconsistency.

Will it not dampen the ardor for volunteering when the volunteers know that they not only expose themselves to the risk of being shot in battle, but that if taken prisoners, they may be hanged in retaliation, if our Cabinet should persist in their present plan of hanging the privateersmen as rebels and pirates.

There is another consequence which may follow from the apparent determination of the cabinet to regard this as an insurrection and not as a civil war. If the government treats it as an insurrection, the courts must treat it as such. The law of blockade, capture and prize is a portion of the law of nations. And as the law of nations recognizes only prizes of war, and knows no such thing as prize of rebellion, it may follow that the courts cannot condemn any American vessels captured before the passage of the confiscation act, nor any foreign vessel in any case, except for violation of a revenue law, at a port not in our possession; which, if done, would at once get us into a difficulty with foreign nations. This ground is very ably taken by Charles Edwards, Esq., of New York, in the Hiawatha prize case, and must probably be sustained by the Court.

RIGHTS OF PARTIES IN A CIVIL WAR.

In addition to the views of Franklin, Wheaton and others, in the Danish case, and the views of J. Q. Adams, in the case of the Spanish Colonies, before stated, upon the question how a civil war must be treated by foreign nations, we may refer to the following, as stating the views always heretofore maintained by the American Government on this subject:

"Even when civil war breaks the bonds of society and of government, or at least suspends their force and effect, it gives birth in the nation to two independent parties, who regard each other as enemies, and acknowledge no common judge. It is of necessity therefore that these two parties should be considered by foreign States as two distinct and independent nations," &c. &c.—*Extract from Report of Committee of Foreign Relations of U. S. House of Representatives, March* 19, 1822.

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